

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

June 17, 1998

UNITED STATES OF AMERICA,)	
Complainant)	
)	8 U.S.C. 1324a Proceeding
vs.)	
)	OCAHO Case No. 97A00156
CAROL ZONSKI,)	
D/B/A JUBILATION DELI,)	
Respondent)	

ORDER OF DISMISSAL-SETTLED

On September 5, 1997, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a, by having filed a two (2)-Count Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging one (1) illegal hire violation in Count I and one (1) paperwork violation in Count II.

On January 16, 1998, the INS filed a Motion to Dismiss, together with a six (6) page Settlement Agreement executed by both parties, notifying this Office that a compromise settlement of all matters in controversy had been reached.

Under section 68.14(a) of the OCAHO Rules of Practice and Procedure:

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:
 - (1) Submit to the presiding Administrative Law Judge:
 - (i) The proposed agreement containing consent findings; and
 - (ii) A proposed decision and order; or (emphasis added)
 - (2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge.

The parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). Accordingly, upon a careful and thorough review of the Settlement Agreement, it is found that the terms set forth therein are fair and reasonable and constitute an appropriate settlement pursuant to § 68.14(a)(2).

It is further found that:

1. Respondent has withdrawn its request for a hearing on the merits; and
2. That each party shall bear its own costs and attorney's fees; and
3. That respondent will pay a civil money penalty in the total amount of \$325 in the manner set forth in the Settlement Agreement; and
4. That it is appropriate to grant the complainant's Motion to Dismiss based upon the notification made pursuant to § 68.14(a)(2); and
5. That complainant's September 5, 1997, Complaint is hereby ordered to be and is dismissed with prejudice to refiling.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January, 1998, I have served copies of the foregoing Order of Dismissal-Settled to the following persons at the addresses shown, in the manner indicated:

Office of Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041
(original hand delivered)

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Associate General Counsel
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Laurence C. Fauth
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